REMARKS

Claims 1 and 13-21 have been rejected under 35 U.S.C. 103 (a) as being obvious over Sandrin et al. (US Patent 6,202,806) in view of Arai. In this Final Rejection, it is stated that "Sandrin et al. teach a dynamic state sensing movable member magnetically actuated motion control device, the magnetically actuated motion control device including a housing (24), said housing defining a cavity for receiving a movable member (22) in said cavity relative to the housing, an electromagnetic coil (80), the electromagnetic coil generating a magnetic field to attract the housing magnetic field attracted material into contact with the movable member when supplied with a current to control motion of the movable member relative to the housing in which the movable member is located." (underlined emphasis added). This is incorrect and clearly a mis-statement of fact. A complete reading of Sandrin et al. clearly shows that the housing (24) is not drawn into contact with the movable member (22) by the magnetic field generated by the electromagnetic coil (80). As disclosed in the Summary of Sandrin et al. (column 2, lines 12-15) "a small amount of controllable medium, preferably in fluid form, is entirely contained in a working space between relatively movable members subjected to the magnetic field by a fluid-retaining means". Further at column 2, lines 25-31, Sandrin et al. states that "In particular, the present invention is a magnetorheological medium device which comprises first and second members coupled for relative movement and having a working space therebetween, means for producing a magnetic field that acts on the first and second members and the working space and a field controllable medium contained substantially entirely in the working space." Sandrin et al. clearly teaches away from contact between housing (24) and movable member (22), as can be seen in Fig. 1 and at Column 7, lines 9-20 by disclosing that "The first 22 and second 24 members each preferably include magnetically permeable material (such as a soft magnetic steel), which can be done by forming each of the members 22, 24 entirely from such a material, or including such material as a component part or integrated portion of the member 22, 24. A field responsive controllable medium 28, such as a controllable fluid, compatible with the field generating means is contained in the working space 26 by fluid retaining means 30. Magnetorheological controllable fluids as contemplated for the present invention are disclosed in, for example, U.S. Pat. No. 5,382,373 to Carlson et al. and U.S. Pat. No. 5,578,238 to Weiss et al." Sandrin et al. clearly does not describe, disclose, suggest, or teach generating a magnetic field to attract the housing magnetic field attracted material (24) into contact with the movable member (22). Sandrin et al clearly teaches maintaining a working space (26) between the housing magnetic field attracted material (24) and the movable member (22), with the working

space (26) containing the fluid retaining means (30) and its controllable medium (28). At Coulumn 7, lines 25-32 Sandrin et al. discloses that "The field generating means alters the rheology of the controllable medium 28 in proportion to the strength of the field. The controllable medium 28 becomes increasingly viscous with increasing field strength, and provides a shear force to resist movement between the members 22, 24. The members 22, 24 are preferably fixedly secured to relatively moveable structures (not shown) to provide resistance to movement therebetween."

Sandrin et al. clearly does not disclose the electromagnetic coil 80 generating a magnetic field to attract the housing 24 into contact with the movable member 22. Arai is cited in the Final Rejection as teaching a sensor, and clearly does not make up for the shortcomings of Sandrin et al. in terms of the housing 24 drawn into contact with the movable member 22. In that the only pending independent Claim 1, clearly claims that the housing magnetic field attracted material is attracted into contact with the movable member to control motion of the movable member relative to the housing, the Final Rejection of the pending claims is improper. In view that the 35 U.S.C. 103 (a) Final Rejection is based on a mis-statement of fact that Sandrin et al. teaches generating a magnetic field to attract the housing (24) magnetic field attracted material into contact with the movable member (22), the Final Rejection of the pending claims 1 and 13-21 must be withdrawn and Applicant's respectfully request allowance of the pending claims 1 and 13-21.

Applicants respectfully request a Notice of Allowance in that the claimed invention is not anticipated or rendered obvious by the prior art of record.

Respectfully submitted,

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